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July 9, 2024

Via ECF

Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Camden Plaza East
Brooklyn, New York 11201

Re: *Guerrero v. Loiacono, et al.*, 19 CV 6239 (KAM) (SJB)

Your Honor:

I represent plaintiff in the above-referenced action. I write to respectfully request *nunc pro tunc* extension of the *in limine* motion schedule set forth at ¶ 3 of the Civil Pretrial Scheduling Order dated June 3, 2024 (DE #42).

Initially, the undersigned apologizes to the Court for the untimeliness of this request and is mindful that DE #42, ¶ 3 prohibits motion schedule extensions. However, the undersigned counsel, who was out of the office sick with COVID for the last week, was unaware until today that defendants belatedly served four *in limine* motions on June 25, 2024 – the day after the deadline. This fact came to my attention today, the day after plaintiff's response deadline, when defense counsel first contacted the undersigned about the status of plaintiff's opposition. Regrettably, support staff in my office had failed to notify the undersigned that the motions had been received in hard copy and opposing counsel did not electronically transmit the papers, leading to the unfortunate failure of the undersigned to comply with the opposition deadline.¹

Given the foregoing, and the Court's June 20, 2024 adjournment of the trial from October 7, 2024 to December 2, 2024, plaintiff respectfully requests, with defense counsel's consent, that he be granted until July 16, 2024 to serve his opposition briefing, and that the parties be granted until July 23, 2024 for defense counsel to serve his reply and for the parties to file the motion papers. If it should please the Court, plaintiff does not otherwise seek to disturb the order at DE #42.

Thank you for your consideration of this request.

Respectfully submitted,

David A. Bonilla

David A. Bonilla

cc: Defense Counsel

¹ To prevent this error from reoccurring, the undersigned has instructed office staff to promptly advise attorneys of motions received by hard copy.